

*SJW  
1734*

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |   |                        |                        |
|--|---|------------------------|------------------------|
| Total Number of Pages in This Submission | 5 | Application Number     | 09/964,786-Conf. #3040 |
|  |   | Filing Date            | September 26, 2001     |
|  |   | First Named Inventor   | Ben C. Platt           |
|  |   | Art Unit               | 1734                   |
|  |   | Examiner Name          | Y. T. Tadesse          |
|  |   | Attorney Docket Number | 60724/P009US/10103110  |

### ENCLOSURES (Check all that apply)

|  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                     | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance communication to Technology Center (TC)        |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                     | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   | SB08 (1 page)<br>14 Cited References<br>Return Postcard                                 |
| <input checked="" type="checkbox"/> Information Disclosure Statement         | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              |   |   |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   |   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |
| Remarks  |   |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |   |
|-------------------------|---|
| Firm or Individual name | FULBRIGHT & JAWORSKI L.L.P.<br>Michaela A. Papalas - 40,381 |
| Signature               |   |
| Date                    | June 30, 2004   |

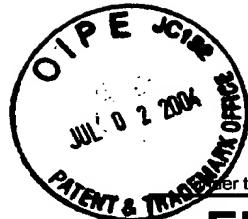
#### Transmittal

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Dated: June 30, 2004

Signature:

(Joy H. Perigo)



# FEE TRANSMITTAL for FY 2004

*Effective 10/01/2003. Patent fees are subject to annual revision.*

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 180.00)

| <b>Complete if Known</b> |                        |
|--------------------------|------------------------|
| Application Number       | 09/964,786-Conf. #3040 |
| Filing Date              | September 26, 2001     |
| First Named Inventor     | Ben C. Platt           |
| Examiner Name            | Y. T. Tadesse          |
| Art Unit                 | 1734                   |
| Attorney Docket No.      | 60724/P009US/10103110  |

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None

Deposit Account:

Deposit Account Number **06-2380**

Deposit Account Name **Fulbright & Jaworski L.L.P.**

The Director Is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity                      | Small Entity  | Fee Description          | Fee Paid  |
|-----------------------------------|---------------|--------------------------|---|
| Fee Code                          | Fee Code (\$) | Fee Code (\$)            | Fee Description   |
| 1051                              | 130           | 2051                     | 65 Surcharge – late filing fee or oath  |
| 1052                              | 50            | 2052                     | 25 Surcharge – late provisional filing fee or cover sheet.                    |
| 1053                              | 130           | 1053                     | 130 Non-English specification   |
| 1812                              | 2,520         | 1812                     | 2,520 For filing a request for ex parte reexamination                         |
| 1804                              | 920*          | 1804                     | 920* Requesting publication of SIR prior to Examiner action                   |
| 1805                              | 1,840*        | 1805                     | 1,840* Requesting publication of SIR after Examiner action                    |
| 1251                              | 110           | 2251                     | 55 Extension for reply within first month                                     |
| 1252                              | 420           | 2252                     | 210 Extension for reply within second month                                   |
| 1253                              | 950           | 2253                     | 475 Extension for reply within third month                                    |
| 1254                              | 1,480         | 2254                     | 740 Extension for reply within fourth month                                   |
| 1255                              | 2,010         | 2255                     | 1,005 Extension for reply within fifth month                                  |
| 1401                              | 330           | 2401                     | 165 Notice of Appeal  |
| 1402                              | 330           | 2402                     | 165 Filing a brief in support of an appeal                                    |
| 1403                              | 290           | 2403                     | 145 Request for oral hearing  |
| 1451                              | 1,510         | 1451                     | 1,510 Petition to institute a public use proceeding                           |
| 1452                              | 110           | 2452                     | 55 Petition to revive – unavoidable   |
| 1453                              | 1,330         | 2453                     | 665 Petition to revive - unintentional  |
| 1501                              | 1,330         | 2501                     | 665 Utility issue fee (or reissue)  |
| 1502                              | 480           | 2502                     | 240 Design issue fee  |
| 1503                              | 640           | 2503                     | 320 Plant issue fee   |
| 1460                              | 130           | 1460                     | 130 Petitions to the Commissioner   |
| 1807                              | 50            | 1807                     | 50 Processing fee under 37 CFR 1.17(q)  |
| 1806                              | 180           | 1806                     | 180 Submission of Information Disclosure Stmt                                 |
| 8021                              | 40            | 8021                     | 40 Recording each patent assignment per property (times number of properties) |
| 1809                              | 770           | 2809                     | 385 Filing a submission after final rejection (37 CFR 1.129(a))               |
| 1810                              | 770           | 2810                     | 385 For each additional invention to be examined (37 CFR 1.129(b))            |
| 1801                              | 770           | 2801                     | 385 Request for Continued Examination (RCE)                                   |
| 1802                              | 900           | 1802                     | 900 Request for expedited examination of a design application                 |
| Other fee (specify)               |               |                          |   |
| *Reduced by Basic Filing Fee Paid |               | SUBTOTAL (3) (\$ 180.00) |   |

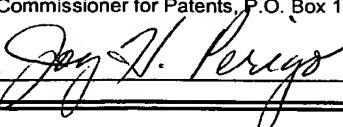
\*\*or number previously paid, if greater; For Reissues, see above

| SUBMITTED BY      |                   | (Complete if applicable)             |        |                          |
|-------------------|-------------------|--------------------------------------|--------|--------------------------|
| Name (Print/Type) | Michael A. Padala | Registration No.<br>(Attorney/Agent) | 40,381 | Telephone (214) 855-8186 |
| Signature         |                   |                                      | Date   | June 30, 2004            |

### Fee Transmittal

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Dated: June 30, 2004

Signature:  (Joy H. Perigo)



Docket No.:  
60724/P009US/10103110  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ben C. Platt et al.

Application No.: 09/964,786

Confirmation No.: 3040

Filed: September 26, 2001

Art Unit: 1734

For: DELIVERY SYSTEM FOR POST-  
OPERATIVE POWER ADJUSTMENT OF  
ADJUSTABLE LENS

Examiner: Y. T. Tadesse

### INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

A copy of each reference on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other



Application No.: 09/964,786

Docket No.: 60724/P009US/10103110

material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

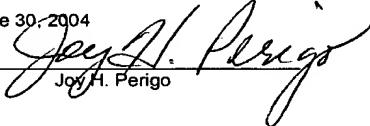
It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Our check in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2380, under Order No. 60724/P009US/10103110.

Dated: June 30, 2004

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Dated: June 30, 2004

Signature:   
Joy H. Perigo

Respectfully submitted,

By \_\_\_\_\_

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Attorney for Applicant



PTO/SB/08A (10-01)  
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|                               |   |    |   |                          |                       |
|-------------------------------|---|----|---|--------------------------|-----------------------|
| Substitute for form 1449A/PTO |   |    |   | <b>Complete if Known</b> |                       |
|                               |   |    |   | Application Number       | 09/964,786            |
|                               |   |    |   | Filing Date              | September 26, 2001    |
|                               |   |    |   | First Named Inventor     | Ben C. Platt          |
|                               |   |    |   | Art Unit                 | 1734                  |
|                               |   |    |   | Examiner Name            | Y. T. Tadesse         |
| Sheet                         | 1 | of | 1 | Attorney Docket Number   | 60724/P009US/10103110 |

| U. S. PATENT DOCUMENTS |                       |  |                                |  |  |
|------------------------|-----------------------|--|--------------------------------|--|--|
| Examiner Initials*     | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant<br>of Cited Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear |
|                        |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |  |
| AA                     | US-5,684,636          |  | 11-04-1997                     | Chow et al.  |  |
| AB                     | US-5,998,096          |  | 12-07-1999                     | Umemoto et al.                                     |  |
| AC                     | US-5,258,024          |  | 11-02-1993                     | Chavel et al.                                      |  |
| AD                     | US-2003/0048411       |  | 03-13-2003                     | Jethmalani et al.                                  |  |

| FOREIGN PATENT DOCUMENTS |                       |   |                                |  |  |
|--------------------------|-----------------------|---|--------------------------------|--|--|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear |
|                          |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) |                                |  |  |
| BA                       |                       |   |                                |  | T <sup>6</sup>   |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS |                       |  |  |  |                |
|---------------------------------|-----------------------|--|--|--|----------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published. |  |  | T <sup>2</sup> |
| CA                              |                       | Brandsen, Rennaug, et al., "Accuracy of IOL calculation in cataract surgery," Ophthalmological Journal of the Nordic Countries, Vol. 75, No. 2, p. 162-165, (April 1997).  |  |  |                |
| CB                              |                       | Oshika, Tetsuro, et al. "Three year prospective, randomized evaluation of intraocular lens implantation through 3.2 and 5.5 mm incisions," J. Cataract Refract Surg, Vol. 24, p. 509-514, (April 1998).  |  |  |                |
| CC                              |                       | Liang, Junzhong, et al., "Aberrations and retinal image quality of the normal human eye," J. Opt. Soc. Am. A. Vol. 14, No. II, p. 2873-2882, (November 1997).  |  |  |                |
| CD                              |                       | He, J. C., et al., "Measurement of the wave-front aberration of the eye by a fast psychophysical procedure," Optical Society of America, Vol. 15, No. 9, p. 2449-2456, (September 1998).   |  |  |                |
| CE                              |                       | Liang, Junzhong, et al., "Objective measurement of wave aberrations of the human eye with the use of a Hartmann-Shack wave-front sensor," Optical Society of America, Vol. 11, No. 7, p. 1949-1957, (July 1994).   |  |  |                |
| CF                              |                       | Salmon, Thomas O., et al., "Comparison of the eye's wave-front aberration measured psychophysically and with the Shack-Hartmann wave-front sensor," Optical Society of America, Vol. 15, No. 9, p. 2457-2465, (September 1998).                                |  |  |                |
| CG                              |                       | Liang, Junzhong, et al., "Supernormal vision and high-resolution retinal imaging through adaptive optics," Optical Society of America, Vol. 14, No. 11, p. 2884-2891, (November 1997).   |  |  |                |
| CH                              |                       | Mahoney, Robert K., et al., "Laser Adjustable Lens: a new generation in implants," Ocular Surgery News, Vol. 18, No. 15, (August 1, 2000).   |  |  |                |
| CI                              |                       | Charters, Lynda, "New IOL lets laser adjust refraction postimplantation," Hotel & Motel Management, Ophthalmology Times, (July 1, 2000).   |  |  |                |
| CJ                              |                       | Bethke, Walter, "An IOL You Can Customize," Review of Ophthalmology, (September 2000).   |  |  |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

| Examiner Signature | Date Considered |
|--------------------|-----------------|
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